IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION.

BAIL APPLICATION NO. 254 OF 2006

Girija Shankar Pande .... Applicant.
V/s
State of Maharashtra & Ors.... . .... Respondents.

Shri Shrirish Gupte, Sr. Counsel with Shri I.P. Bagaria for the applicant.

Shri S.S.Tatkare, APP for the State.

CORAM: V.M. KANADE, J.

27TH JANUARY, 2006

PC:

Heard counsel for the application and learned Public Prosecutor for the State.

1. The learned counsel for the appellant candidly admitted that the application for bail on merit is alredy pending in the Sessions Court and that the present application is filed for the limited purpose of seeking modification of the order passed by the learned Magistrate for granting of temporary bail for attending the marriage of his niece. In this application the applicant was also seeking bail on merits. By order dated 23.1.2006 order passed by the Magistrate was modified and period of temporary bail was extended for a period of seven days. So far as this prayer is concerned it does not survive as final orders have

already been passed by this Court on 23.1.2006.

2. Since the applicant has already filed application for bail on merits in the Sessions Court and it was pending when this criminal application was filed, in my view, it would be appropriate if the applicants pursue the said application which is pending in the Sessions Court first and if the said application is rejected then he is at liberty to apply for regular bail in this Court. In this view of the matter applicant withdraws this application with liberty to pursue his application which is pending in the Sessions Court. Withdrawal of this application my not be construed as refusal by this Court to consider the application on merits. The Sessions Court may decide the said application on merits as expeditiously as possible. This application is disposed as withdrawn.

3. Authenticated copy of this order be given.